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8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 SUMMIT REAL ESTATE GROUP, INC.

12 Plaintiff,

13 vs.

14 FEDERAL HOME LOAN MORTGAGE
15 CORPORATION; FHLMC BANK, MITCHELL
LABORWIT,

16 Defendants.
17

Case No. 2:15-cv-00760-KJD-GWF

18 **STIPULATION TO CONTINUE STAY**

19 On February 27, 2017, the Court approved the parties' stipulation to continue the stay of this
20 case for a further 30 days pending the filing of a petition for writ of certiorari with the United States
21 Supreme Court concerning the Ninth Circuit's decision *Bourne Valley Court Trust v. Wells Fargo Bank,*
22 *NA*, 832 F.3d 1154 (9th Cir. 2016). As of the filing of the previous stipulation, the deadline to file a
23 petition for a writ of certiorari was March 6, 2017. However, on February 24, 2017, Justice Anthony
24 Kennedy extended the deadline to file a petition for a writ of certiorari to April 3, 2017.

25 The parties also note that the Nevada Supreme Court has stayed the issuance of remittitur in
26 *Saticoy Bay LLC Series 350 Durango 104 v. Wells Fargo Home Mortg., a Div. of Wells Fargo Bank,*
27 *N.A.*, 133 Nev. Adv. Op. 5 (2017) to June 21, 2017, pending the prospective filing of Wells Fargo Home
28 Mortgage's petition for a writ of certiorari with the United States Supreme Court. Based upon the

foregoing, the parties anticipate that the United States Supreme Court may grant certiorari and hear the cases jointly.

A district court has the inherent power to stay cases to control its docket and promote the efficient use of judicial resources. *Landis v. N. Am. Co.*, 299 U.S. 248, 254–55 (1936); *Dependable Highway Exp., Inc. v. Navigators Ins. Co.*, 498 F.3d 1059, 1066 (9th Cir. 2007). When determining whether to stay a case pending the resolution of another case, a district court must consider (1) the possible damage that may result from a stay, (2) any “hardship or inequity” that a party may suffer if required to go forward, (3) “and the orderly course of justice measured in terms of the simplifying or complicating of issues, proof, and questions of law” that a stay will engender. *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005).

In this case, the parties submit that no damage will result from a continuance of the stay of this case for a further 30 days, pending the filing of a petition for writ of certiorari with the United States Supreme Court. However, should such petition not be filed, the parties will promptly stipulate to end the stay in this case and proceed with filing any dispositive motions within 30 days of the Court’s order terminating the stay of this case. Moreover, if the Court is not inclined to continue the stay of this case, the parties will promptly file a stipulation ending such stay upon denial of the instant stipulation.

Dated: March 24, 2017

Dated: March 24, 2017

/s/ Nathan F. Smith

/s/ Zachary T. Ball

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Attorney for Plaintiffs

IT IS SO ORDERED.

DATED this 28th day of March, 2017


UNITED STATES DISTRICT COURT JUDGE